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10 Attorneys for Defendants
11 RED HAT, INC. and RED HAT MIDDLEWARE, LLC.

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**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION**

FIRESTAR SOFTWARE, INC.,

Plaintiff,

v.

RED HAT, INC., et al.,

Defendants.

Case No. C 07-80204 MISC MMC (EMC)

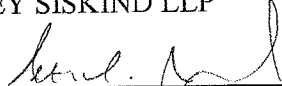
**STIPULATION AND ~~[PROPOSED]~~
ORDER RESCHEDULING HEARING ON
THOUGHT, INC.'S MOTION TO QUASH
THIRD PARTY SUBPOENA, OR IN THE
ALTERNATIVE, FOR A PROTECTIVE
ORDER**

1 The Parties hereby stipulate that the hearing on Thought, Inc.'s motion to quash third party
2 subpoena, or in the alternative, for a protective order be rescheduled to November 7, 2007, at 10:30
3 a.m.

4 Dated: October 15, 2007

Respectfully submitted,

HARVEY SISKIND LLP

By: 
Seth I. Appel

Attorneys for Defendants
RED HAT, INC. and RED HAT MIDDLEWARE, LLC.

JOHN JASON GENTRY MULLINS

By: 
John Jason Gentry Mullins

Attorneys for Third Party
THOUGHT, INC.

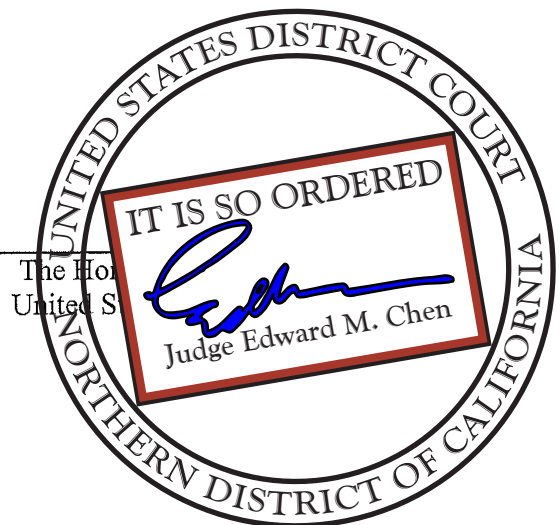
16 **[PROPOSED] ORDER**

17 The Parties have stipulated that the hearing on Thought, Inc.'s motion to quash third party
18 subpoena, or in the alternative, for a protective order be rescheduled to November 7, 2007, at 10:30
19 a.m.

20 Good cause appearing therefore:

21 IT IS SO ORDERED.

22 Dated: October 16, 2007



PROOF OF SERVICE

The undersigned declares: I am a resident of the United States and am employed in the City and County of San Francisco, State of California; I am over the age of eighteen years and not a party to the within action; my business address is 4 Embarcadero Center, 39th Floor, San Francisco, CA 94111.

On the date stated below, I served the following documents:

• **STIPULATION AND [PROPOSED] ORDER RESCHEDULING HEARING ON THOUGHT, INC.'S MOTION TO QUASH THIRD PARTY SUBPOENA, OR IN THE ALTERNATIVE, FOR A PROTECTIVE ORDER**

by placing a true copy thereof enclosed in a sealed envelope and served in the manner described below to the interested parties herein and addressed to:

John Jason Gentry Mullins, Esq.
5 Third Street, Suite 815
San Francisco, CA 94103
Counsel for Thought, Inc.

Allen F. Gardner, Esq.
Michael E. Jones, Esq.
Potter Minton, A Professional Corporation
P.O. Box 359
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Counsel for Red Hat, Inc.
and Red Hat Middleware LLC

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Winston-Salem, NC 27104
Counsel for Red Hat, Inc.
and Red Hat Middleware LLC

X

MAIL: I caused such envelope(s) to be deposited in the mail at my business address, with postage thereon fully prepaid, addressed to the addressee(s) designated. I am readily familiar with the business practice of collecting and processing correspondence to be deposited with the United States Postal Service on that same day in the ordinary course of business.

1 _____
2 **FEDERAL EXPRESS – OVERNIGHT DELIVERY:** I caused such envelope to be
3 deposited with the Federal Express Office prior to the cut-off time for next day
4 delivery with a shipping label properly filled out with delivery to be made to the
5 addressee designated.


6 _____
7 **HAND DELIVERY:** I caused such envelope(s) to be delivered by hand to the
8 addressee(s) designated.

9 _____
10 **VIA FAX:** The facsimile machine I used complied with California Rules of Court,
11 Rule 2003, and no error was reported by the machine. Pursuant to California Rules of
12 Court, Rule 2006(d), I caused the machine to print a transmission record of the
13 transmission, a copy of which is attached to this declaration.

14 X
15 **(FEDERAL):** I declare that I am employed by the office of a member of the bar of
16 this court at whose direction the service was made.

17 _____
18 **(STATE):** I declare under penalty of perjury under the laws of the State of California
19 that the foregoing is true and correct.

20 Executed on October 15, 2007 at San Francisco, California.

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23 _____
24 Cynthia Lee
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